

**Town of La Pointe Zoning
Town Plan Commission Special Meeting Minutes
Friday, April 30, 2010**

Town Plan Commission (TPC) Members Present: Ted Pallas; Chair, Charles Brummer; Vice-Chair, Larry Whalen, Ron Madich, Suellen Soucek, Carey Baxter (6).

Town Plan Commission Members Absent: Greg Thury (1)

Public Present: Dave Marano, Mike Starck (2)

Town Staff Members Present: Jennifer Croonborg; ZA, Margaretta Kusch; ZCA (2)

I. Call to Order/Roll Call

Chair Pallas called the meeting to order at 1:00 PM at the Town Hall. Roll call reflected members present or absent as recorded above.

II. Public Comment

None.

III. Approval of Previous Meeting Minutes

1. Town Plan Commission Regular Monthly Meeting, April 21, 2010

C. Brummer moves to approve the Town Plan Commission Regular Monthly Meeting minutes of April 21, 2010 as submitted. S. Soucek seconds. All in favor, 6 aye. Motion Carries.

IV. Zoning Administrator's Report

None.

V. Consideration and/or Action of Permit Applications

1. Hoogmoed. Addition/Alteration @388 Evie Lane, LP # 014-00273-0400

The permit is for a deck addition. The issue is that the property is irregularly shaped (has five sides), with two of the sides facing the cul-de-sac, and it is unclear which side is the front (primary access of the property). If the 50 ft side were the front, it would meet setbacks, but wouldn't if the 115 ft side were the front. Additionally, it is unclear if the property is a legally non-conforming structure or not (i.e. built before Zoning was enacted in 1972), as no permit can be found for it.

Chair Pallas feels that this structure was built before Zoning because the old cottages around the Golf Course were built by Ted Gary soon after the Golf Course was put in, which would have been around 1970. It would make sense that there is no permit for the house, assuming it was built then. C. Brummer feels that written statements should be gathered from various islanders who were around at that time stating that those cottages were built before Zoning. Chair Pallas agrees, and feels that the permit could then be approved.

C. Brummer also points out that if the 115 ft side is the side of the adjoining property, then it can be construed that it is also the side of the lot in question (or, can the side of one property be the front of another?). Therefore the 50 ft side would be the front, setbacks would be met, and the deck addition can be permitted.

Chair Pallas directs the Zoning Administrator to get statements from a few island elders to attest that the cabins were built before Zoning, just for the files. However, it is fine for the Zoning Administrator to approve this permit without a motion. There is Town Plan Commission consensus.

C. Brummer makes a motion to move to Item VII. Chair Pallas seconds. All in favor, 6 aye. Motion Carries.

VI. Old Business

1. Zoning Ordinance Revision Project.

Review and possibly revise working draft of tentative Ordinance Revision, Sections 1.0 through 16.0.

Section 2.0 Definitions

- Add the following definition for “nuisance” (taken from Webster’s Dictionary):
“A thing or condition causing danger or annoyance either to a limited number of persons or to the general public, or, because of its attraction, to children who will be unlikely to recognize its dangerous quality.”

Section 8.0 Administration

- Move Section 8.4 B Zone and Map Changes to Section 11.0 Amendments, as it is an amendment.
- In 8.5 B Enforcement, change “*citations*” to “*Orders*.”
- Replace the word “*rebuttably*” with “*arguably*” throughout section.
- In 8.8 Nuisance, delete “*may*” in the phrase “*shall constitute a nuisance that the violator may be required to abate.*”
- In 8.8 Nuisance, delete “*due to the violator’s failure to make restitution*” from the end of the final sentence.
- 8.9 Unlawful Building or Structure currently reads: “*Any building or structure erected, constructed or reconstructed in violation of any provision of this Ordinance shall be deemed an unlawful structure and the Zoning Administrator or any other official designated by the Town Board or by the Town Plan Commission may bring action to enjoin such erection, construction or reconstruction, or cause such structure to be vacated or removed. It shall be unlawful to erect, construct or reconstruct any building or structure in violation of any provision of this Ordinance, and any person violating any such provision shall be subject to the penalty set forth in this Ordinance for a violation of this Ordinance. Each and every day during which said illegal erection, construction or reconstruction continues shall be deemed a separate offense. In case any building or structure is or is proposed to be erected, constructed or reconstructed, or any land is proposed to be used in violation of any provision of this Ordinance, the Zoning Administrator, or any other official designated by the Town Board or by the Town Plan Commission or any neighboring property owner who would be specially damaged by such violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or other appropriate action or proceedings to prevent or enjoin or abate or remove such unlawful erection, construction or reconstruction.*”

Change to:

“Any building or structure hereafter erected, moved, reconstructed, removed, extended, enlarged, or structurally altered in violation of any provision of this Ordinance shall be deemed an unlawful structure and the Zoning Administrator or any other official designated by the Town Board may bring action to enjoin such violation, or cause such structure to be vacated or removed.

It shall be unlawful to erect, move, reconstruct, remove, extend, enlarge, or structurally alter any building or structure in violation of any provision of this Ordinance, and any person violating any such provision shall be subject to the penalty set forth in this Ordinance.

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Each and every day during which said violation continues shall be deemed a separate offense. In case any building or structure is or is proposed to be erected, constructed or reconstructed, or any land is proposed to be used in violation of any provision of this Ordinance, the Zoning Administrator, or any other official designated by the Town Board or any neighboring property owner who would be specially damaged by such violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or other appropriate action or proceedings to prevent or enjoin or abate or remove such unlawful erection, construction or reconstruction.”

Section 13.0 Town Plan Commission

- In 13.6, change “8.4” to “8.3.”
- In 13.6, delete “and, in addition, shall be accompanied by plans showing the exterior elevations of the existing and proposed floor structure, description of the proposed materials, proposed floor grades, and a list of the names and addresses of the parties in interest.”
- In 13.6, delete “In order to speed the process of Land Use Permit applications submitted to the Town of La Pointe, applicants are advised that applications shall not be considered without submitting four complete sets (one set to be the original) of the following information:
 - A. Applications for Land Use Permit and Certificate of Compliance (shall be filled out in their entirety)
 - B. Approved Ashland County Sanitary Permit or approved Madeline Sanitary District Permit if on municipal sewer.
 - C. Approved Ashland County Highway Permit.
 - D. Approved Ashland County Building Permit (if applicable).
 - E. Elevations (for each side of structure, if addition/alteration existing shall be shown).
 - F. Site Plan. Identify all lakes, ponds, streams or wetlands. Identify relationship to streets, roads, alleys and/or easements being active, platted or reserved, wells and sanitary systems, both on or abutting property. Identify directly adjacent landowners and property use.
 - G. The actual building site shall be staked out prior to the Zoning Administrator’s inspection.
 - H. Applications for changes in land use shall identify change in detail.NOTE: The Town of La Pointe does not require plans to be professionally drawn, however, they shall be of a legal and understandable quality that properly conveys all information necessary to complete the project. Actual dimensions are preferred to scale maps. Failure to comply with the above instructions will result in delays in processing of applications. Applications for Land Use Permits shall be submitted to the Town of La Pointe Zoning Administrator.”

- a. **Section 6.0 Regulation of special uses: discuss possible addition of regulations regarding employee housing: James Price input.**

Not discussed.

VII. New Business

1. Mike Starck letter dated 4/23/10 re: Bergeon Property.

M. Starck, representing the Bergeons, asks if they can extend the deadline to remove their trailer from their property, as they are going to apply for a special exception. The Town Plan Commission agrees on the condition that the trailer is not used for human habitation.

Chair Pallas moves to allow the Bergeons to leave their trailer on their property until June 6, 2010, on condition that is only used for storage, not human habitation. S. Soucek seconds. All in favor, 6 aye. Motion Carries.

C. Brummer makes a motion to move back to Item VI. Chair Pallas seconds. All in favor, 6 aye. Motion Carries.

VIII. Future Agenda Items

IX. Schedule of Next Meeting

The next Town Plan Commission Special Monthly Meeting will be held Wednesday, May 5, 2010, at 4:30 pm.

X. Adjournment

C. Baxter moves to adjourn. S. Soucek seconds. All in favor, 6 aye. Motion Carries. Meeting ends at 3:05 pm.

Draft Town Plan Commission Minutes respectfully submitted by Margaretta Kusch, ZCA, on Monday, May 3, 2010.

Town Plan Commission Minutes are approved as amended by Margaretta Kusch; ZCA on Wednesday, May 5, 2010.